CONFIDENTIAL

1 December 1983

MEMORANDUM FOR THE RECORD

SUBJECT: Selective Historical Material Review Program

25X1   REFERENCE: Memorandum for the Record from [   ]
            Subject: "Historical Access," dated 23 November 1983

1. The reference states that we need to understand just what the Systematic Classification Review program consisted of and its net results, before we consider it as a basis for a Historical Access program. I agree. But for a proper understanding, one must begin with an accurate picture of how that program was organized, what it was expected to accomplish, and what it did accomplish. Those who were directly involved are in the best position to provide the details on these matters.

2. Under E.O. 11652 and 12065, all agencies with classified information were expected to institute programs to systematically review their classified information that was over 30, and later 20, years. In the Agency it was decided that this would be done by a single unit, consisting of officers chosen from all four Directorates, acting on behalf of the entire Agency. The unit was given the authority to downgrade and declassify CIA information; therefore, it was urged that the personnel assigned to the unit should have the confidence of their Directorate that they would take these actions wisely. The unit organized to conduct the program was the Classification Review Division (CRD). While CRD was not directly involved in releasing documents, and this was nowhere stated as part of their function, they did review thousands of documents found in the records of other agencies held at NARS or at the Presidential Libraries. In some cases, CRD officers declassified CIA documents or raised no objection to the declassification of CIA information found in the documents of other agencies. Once this decision had been taken by CRD, there was no further reference to CIA in handling that document. Of course, the holding agency (NARS, Presidential Library, etc.) had to consider whether equities of other U.S. agencies or foreign governments were involved, whether there was a copyright to protect, etc. before they could release the document. We suspect that many, if not most, of these documents eventually were totally declassified and released to the public.

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3. The DARE computer system was developed to record the actions taken by CRD and provide a listing of documents that required certification for continued classification to be signed by the Director. It was never designed to track records retired to the Agency Records Center. The system did record accession, box, and folder numbers as a means to help identify and locate documents. A special numbering system was also developed to keep track of documents that were not from, or returned to, the Agency Records Center such as CIA documents reviewed at NARS. Thus, regardless of the situation, the DARE system was flexible enough to handle the tracing of all CIA documents reviewed.

4. As the Systematic Classification Review program got underway, a procedure was developed to report changes in classification including declassification so copies of a document could be appropriately updated. This was handled by monthly, or even more often, updatings of DARE holdings put on microfische and sent to OCR. In the case of TOP SECRET documents, a copy of the TS cover sheet with a record of the CRD action stamped on it was sent to TSCADS. It should be noted that, to the extent possible, CRD worked on record copies of documents. Obviously, there are copies of many documents scattered throughout CIA and other government agencies. The above described actions would not take care of all outstanding copies, but we must weigh the effort required to accomplish that objective against the benefits that would result.

5. The Systematic Classification Review program is criticized for doing little to make records available to the public. As noted above in paragraph 2, CRD reviewers declassified many documents during review work at NARS and the Presidential Libraries, and it is reasonable to assume that a great many of those documents have been made available to the public. In addition, according to DARE, CRD declassified about 37,000 documents during the Systematic Classification Review program. All of these documents still rest in CIA records and it's true that they have not been released. There was no specific provision in the Executive Order to release those documents declassified under the Systematic Classification Review program.

6. In reference a strong argument is made to release nothing until we are required to do so by statute and to avoid or delay programs that seek to put CIA documents in the public domain. That may well be desirable from an intelligence agency standpoint, but the Director has agreed in writing that such a program be undertaken, given a couple of qualifications. We suspect that a strong, thoughtful, and well supported argument would be required to change the Director's mind on this issue. Also, the proposal in reference to avoid and delay release is contradictory to the tone of willing cooperation expressed in the Director's letter to Senator Durenberger, and the latter wants a "cooperative endeavor rather than a test of wills fought out in FOIA requests and courtrooms."

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7. A partial alternative to the proposed Selective Historical Record Review program might be found in CFR 32, Chapter XIX at 1900.61, "Access for Historical Research." This procedure has not worked well because of the difficulty researchers have had in obtaining the necessary Agency clearance. If this obstacle could be overcome and this form of access made more workable, it could remove some of the pressure on CIA to make its records available.

8. A procedure for implementing a Selective Historical Material Review program is made in reference. It sees no role for CRD or the DARE system. That exclusion may well be based on perceptions outlined earlier in reference which, unfortunately, were not totally accurate as shown above. The proposal made by OIS in a memo dated 26 October 1983, however, would use a single unit to: (1) work with the Agency historian to select material; (2) conduct an initial classification review and coordinate that review with the originating component and other interested Agency elements or other government agencies; (3) ensure that the material is properly prepared for release; (4) arrange for release through whatever mechanisms are selected; and (5) record the actions taken. OIS has suggested that CRD be considered for the seed role around which the unit would be built with personnel selected from each Directorate:

--this would take advantage of CRD's systematic classification review experience;

--there would be a hard core of officers experienced in agency-wide review experience to build on;

--control over review would be tighter and more precisely coordinated;

--getting a coordinating review on documents already once reviewed would be easier and would speed up the process;

--control of the coordinating process coupled with an initial classification review would be more efficient;

--having the central unit participate in the making of classification decisions will improve consistency in those decisions; and,

--this unit will be in a better position through its deeper involvement in the classification review process to maintain the proper records for the program.

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CRD has handled the review of State historical material for FRUS exactly
in this way and with good success. State, NSA, and the FBI all use a
centralized review concept. State officers have told us that they are
getting faster, more consistent review decisions and that no one, including
country desk personnel who originally opposed the idea, would consider
returning to a decentralized procedure. Let's put some perspective
on reviewer qualifications. Those currently on the Desks doing the work
know the current situation best. But they normally will be younger
officers with less appreciation of the history of the Agency in that
area, often will not have much experience in review work, and conduct
reviews often on a low-priority basis and as a by-product of the job.
Those in CRD are generally older officers sometimes without experience
in the specific subject matter under review, but they do develop a skill
in reviewing because that's all they do. And it should be kept in mind
that the material to be reviewed will be at least 20 or possibly 30 years
old.

9. Finally, a note about information that has been released. For
some time, the Agency has sought to get a handle on already released
information so it can be more consistent in what it releases. CRD has
developed the Released Information Management System (RIMS) to fill this
void. The RIMS program should be developed side-by-side with the selective
historical material review. This will serve to build up the material in
RIMS, provide reviewers with a better knowledge of what has and has not
been released, and provide the Agency with a data base of information
relating to classification and declassification matters that can serve many
Agency interests.

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DDA/OIS/CRD[   ] (01 December 1983)

Distribution:
   Orig - File 1-3, CRD Organization/Mission/Staffing
      1 - CRD Chrono w/reference
      1 - OIS Chrono w/reference

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Historical Access

STAT FROM:

STAT DA/IRO
7D18 HQ

EXTENSION	NO.
	DATE 23 Nov 83

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. EO/DDA				In response to the request for my comments on ways to deal with the problem of Historical Access to Agency records, I have prepared the attached memo. What I have attempted to do here is to take a look at what was done in the past and to recommend a course of action to satisfy current requirements. While I have had many discussions with the other Directorate IROs, RMOs, C/History Staff, and OIS personnel over the past several weeks, the recommendations stated here are primarily mine. The concern over the release of records recorded in DARE is shared by all.
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3. A/DDA				
4.				
5. DDA				
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7.				
8.				
9.				Attachment
10.				cc: D/OIS
11.				DI/IRO DO/IRO S&T/IRO C/HS
12.				
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FORM 610 USE PREVIOUS EDITIONS
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● ● November 1983
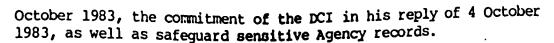
MEMORANDUM FOR THE RECORD

SUBJECT: Historical Access

1. Before we consider the former Systematic Classifications Review program or its product as a basis for an Historical Access program, we need to understand just what that program consisted of and its net results.

2. The action taken on documents by the Classification Review Division (CRD) to declassify or downgrade documents was to satisfy the systematic review provisions of EO 11652 and 12065. These actions did not constitute authority to release the documents. The documents were returned to the Agency Records Center after the CRD action and remain the property of the originating components, primarily the Directorate of Operations and the Directorate of Intelligence. There was an understanding at the time of the CRD review that any release or other use of these documents would need the approval of the originating or successor components on a document-by-document basis. This still holds true today—any release or other use of the documents reviewed by CRD and recorded in DARE must be approved by the originating or successor component.

3. The DARE computer system used to record CRD actions is very difficult to use at best. It was developed very quickly in 1977 without much thought given to other systems or other informational needs. Over time, additional items were added to the system on an ad hoc basis. For example, the system was originally designed to track records retired to the Agency Records Center; therefore, the accession, box, and folder numbers were integral parts of the system. However, entries were made of action taken on documents not retired to the Center; therefore, they cannot be tracked.

4. Another problem with documents recorded in the DARE system is that many of the actions were not coordinated with the originating or other interested components. There are documents listed as unclassified in DARE that remain classified (some at the TOP SECRET level) in the originators file, in the Office of Central Reference file, and in the case of TS, in the TOP SECRET inventory system TSCADS.

5. While the centralized systematic declassification program was administratively a success, it really did little to make records available to the public. I believe a similar program for Historical Access would have the same results. The principle that has been followed in releasing documents, whether as the results of an FOIA/PA

request, mandatory review under the EO 12065/12356 or litigation, has been an initial review by the originating or successor component. This initial review is followed by at least one additional review at a supervisory level. The documents proposed for release then go to a Directorate Information Review Office for a final review and Directorate coordination. There is still another review and external coordination before the document leaves the Agency. In the case of FOIA/PA, it is conducted by IPD; in the case of litigation, it is done by OGC. There is a computer system (DECAL) that records significant documents released. DECAL not only records the releases, but also automatically notifies the originator and other interested components so that all file copies reflect the release actions. This discussion is to show the difference between the systematic review and our current review process for releasing documents to the public.

6. I believe that we should avoid any program of pre-review of Agency records for the purpose of making them available for release. First of all, we may spend a lot of time on records that may never be requested; secondly, and more importantly, when a record is reviewed for release, it should be reviewed in the context of the world political situation at that time. One could argue that the situation could change after we release a particular record, and that is true. However, I go back to my first point--why do it until we are required to by statute. Why jeopardize programs when we can avoid or delay the process?

7. Another problem we can expect from advertisting the availability of records is the exploitation by commercial entities. There are companies that purchase from the Agency at 10¢ per page documents that we released through FOIA. These documents are collated, indexed, and sold to the public. The same thing would happen to documents included in an historical access program. Again, one could argue that once released, a document is subject to this type of exploitation, and again, the point is why subject Agency information, even sanitized information, unnecessarily to exploitation and possible use by an adversary until we are required to do so by statute.

8. There is currently a procedure on the books for historians to use Agency records. This is found in CFR 32, Chapter XIX at 1900.61, entitled, "Access for Historical Research." This procedure differs from the FOIA/EO mandatory procedures in that a researcher with a security clearance can use full-text Agency records and submit his notes and manuscript for review to assure that they contain no classified information. There have only been a few instances where researchers have attempted to use this procedure and it never worked well. Now, the Agency refuses access under this procedure. In one

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instance, a researcher has brought suit against the Agency after being denied access under both the FOIA and subpart 1900.61 (Miller v. Casey). We are waiting for the written decision from the appeals court and while we expect the court to sustain the Agency's response to Miller, we expect to get considerable criticism about the way we had administered our Historical Access Program.

9. The above notwithstanding, it is obvious from the concessions made in the Senate-passed Intelligence Information Act of 1983, from the <u>Miller v. Casey</u> litigation, and from the need to publish a workable rule concerning historical access that we must address this problem now. The SSCI expects the Agency to "set up a new program to declassify historical documents." Requests for historical information usually fall into one of three general categories: (1) the administrative history of the Agency, (2) information produced by the Agency, i.e., World Oil Production, and (3) information on Agency operations, i.e., the Bay of Pigs. In regard to the administrative history, we release some things through Public Affairs. As for item (2), a large volume of Agency publications are released to the public through the Library of Congress DOCEX program, the Department of Commerce NTIS program, and the GPO FDLP program. These releases consist of FBIS Daily Reports, JPRS translations, and DDI-originated, unclassified reports and maps. We can increase and publicize our efforts in these areas. The problem then is in category three—information concerning Agency operations.

10. What can be immediately made available are those documents released through the FOIA and mandatory review programs now recorded in the IPD DECAL system. While I believe that a renewed systematic review program is not the answer to add documents to those in DECAL that can be released, I believe that the Agency must take the initiative and to the extent possible, control what is considered for release for historical purposes. What is needed is the application of the FOIA mandatory review procedures to a review for historical access. The Agency historian should, based on his liaison with the historians in other Federal agencies; the National Archives, including the Presidential libraries; and historians in general, select the topics to be reviewed. This selection should be discussed with records management officers in the appropriate directorates. The RMOs in consultation with the historian, select the records to be reviewed. The actual review should be conducted under the procedures used for FOIA/mandatory review. The documents determined releasable in whole or in part should be recorded in the DECAL system. By recording them in DECAL, we not only create a record of what is available to historians, but also make them available to satisfy future FOIA requests. I believe that this process meets the criteria for historical access outlined in Senator Durenberger's letter of 3

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October 1983, the commitment of the DCI in his reply of 4 October 1983, as well as safeguard sensitive Agency records.

11. Additional resources that may be forthcoming for an historical review program should be apportioned to the directorates involved in the historical review. Of course the alternative to the originating or successor components conducting the initial review is to have a centralized review; however, to be acceptable and successful, officers from the various components would have to be rotated on a regular basis. There must be people with current experience in the program areas who are able to relate the current situation to both past and projected activities and operations. Even with assignments on a rotational basis, there would not be the direct expertise needed, i.e., in the DA, it varies from personnel to finance; in the DI, from political to economical; in the DO, from various parts of the world; and in the S&T, even more diversity.

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STAT   DDA/MS_____(23Nov83)
        Orig - File
          1 - DDA Chrono
          1 - DA/IRO Chrono

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